



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: : Department of Ecology AO # 04-11

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-17-134 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) The rule will establish Chapter 173-546 WAC, a Water Resource Management Program for the Entiat River watershed (WRIA 46). The rule will govern water allocation, adopt instream flows, make a determination regarding water availability in the basin, and reserve water for future out-of-stream uses meeting certain criteria. This rule was developed in coordination with the recommendations of the Entiat WRIA Planning Unit (EWPU). Implementation and monitoring of the rule will be done by the Department of Ecology and partners through the EWPU, to assess how closely water use and instream resource protection and restoration actions track the forecasts of the EWPU, so the program can be adjusted if necessary to accomplish its goals.

Hearing location(s):

Entiat Grange Hall
 14108 Kinzel St.
 Entiat, WA

Date: April 14, 2005 Time: 7:00 p.m.

Submit written comments to:

Name: Thom Lufkin
 Address: Department of Ecology, P.O. Box 47600, Olympia WA 98504-7600
 Telephone: (360) 407-6631
 e-mail Entiat@ecy.wa.gov
 fax (360)407-6574 by (date) April 29, 2005

Assistance for persons with disabilities: Contact

Judy Beitel by April 7, 2005

TTY (800) 833-6388 or (360) 407-6878

Date of intended adoption: August 3, 2005
 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The rule will establish a Water Resource Management Program for the Entiat River watershed (WRIA 46). The rule will govern water allocation, adopt instream flows, make a determination regarding water availability in the basin, and reserve water for future out-of-stream uses meeting certain criteria.

Reasons supporting proposal:

This rule was developed in coordination with the recommendations of the Entiat WRIA Planning Unit (EWPU). The EWPU is comprised of two environmental organizations (Audubon and the NW Ecosystem Alliance), the Yakama Nation, several federal agencies (e.g., the Natural Resources Conservation Service and US Forest Service), the City of Entiat, Entiat Irrigation District, Chelan County, several local business interests (Longview Fiber, local partnership ditch companies), landowners, and other interested parties in the watershed. This rule is needed to fulfill the statutory requirements of Chapter 90.54 and 90.82 RCW.

Statutory authority for adoption: Chapter 43.27A RCW, Chapter 90.54 RCW, Chapter 90.22 RCW, and Chapter 90.82 RCW.

Statute being implemented: Chapter 90.54 RCW, Chapter 90.22 RCW, and Chapter 90.82 RCW.

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

MAR 2 2005

DATE
 March 2, 2005

NAME (type or print)
 Polly Zehm

SIGNATURE
 POLLY ZEHEM

TITLE
 Deputy Director

WSR: 05-06-117
 TIME: 11:27 AM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... John Monahan	Central Regional Office, 15 W. Yakima Avenue, Suite 200, Yakima, WA, 98902	(509) 457-7112
Implementation....John Monahan	Central Regional Office, 15 W. Yakima Avenue, Suite 200, Yakima, WA, 98902	(509) 457-7112
Enforcement.....ECY CRO Water Resources Program	Central Regional Office, 15 W. Yakima Avenue, Suite 200, Yakima, WA, 98902	(509) 457-7112

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Thom Lufkin

Address: Water Resources, Department of Ecology

P.O. Box 47600 Olympia WA 98503-7600

phone (360) 407-6631

fax (360) 407-6574

e-mail Entiat@ecy.wa.gov

or by downloading from Ecology's web page at <http://www.ecy.wa.gov/laws-rules/activity/wac173546.html>

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes

☒ No: Please explain: Ecology has decided to voluntarily comply with the requirements under RCW 34.05.328. A preliminary Maximum Net Benefits Analysis is available. This document includes the preliminary cost-benefit analysis, required in RCW 34.05.328. It may be obtained by contacting:

Name: Thom Lufkin

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